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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,520	07/20/2000	Dorothy B. Franks	GEMS:0091	2920

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EXAMINER
SOTOMAYOR, JOHN

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/620,520	Applicant(s) FRANKS ET AL.	
	Examiner John L Sotomayor	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 July 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 July 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1,8-10,23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callahan (US 6,416,328 B1).

5. Regarding claims 1,23 and 28, Callahan discloses a system and method of assessing and identifying training needs in a health care facility that includes collecting identification and operation data, storing the data in a central database, assessing the data to develop a plurality of operational parameters to identify training needs (Col 2). Callahan does not specifically disclose that the operation data is collected from biomedical equipment components. However, Callahan does disclose that operational parameters may be developed to solve training need identification for maintenance or janitorial crews (Col 7, lines 39-46) who are responsible for the maintenance of biomedical equipment in the health care facility. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a method of assessing and identifying training needs in a health care facility that includes collecting identification and operation data, storing the data in a central database, assessing the data to develop a plurality of operational parameters to identify training needs, including those associated with biomedical equipment.

6. Regarding claims 8-10, Callahan discloses a system and method of systematically assessing and reporting training needs (claim 8) in a remote site (claim 9) and delivering such a report over the Internet (claim 10). Callahan also discloses that the report may be formatted as an email alert that is sent over the network (Col 4, lines 49-67 and Col 5, lines 1-19).

7. Claims 2-7,11-22, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callahan in view of Linberg et al (US 6,497,655 B1).

8. Regarding claim 2, Callahan discloses all of the limitations of claim 2 with the exception of including operational errors for a type of equipment component. However, Linberg et al teaches that, in a medical facility, debugging and analysis for equipment components includes

viewing an error log (Col 9, lines 45-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide operational errors in the data collected for a type of equipment component. Collection of error information on medical equipment results in the determination of the continued utility of the equipment in use.

9. Regarding claim 3, Callahan discloses all of the limitations of claim 2 with the exception of including failures for a type of equipment component. However, Linberg et al teaches that, in a medical facility, debugging and analysis for equipment components includes viewing a list of meantime between failures for relevant equipment (Col 9, lines 45-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide equipment failure data in the data collected for a type of equipment component. Collection of equipment failure information determines a plurality of decisions regarding a piece of equipment, including training and replacement requirements.

10. Regarding claims 4-7, Callahan discloses all of the limitations of the claims with the exception that the collected data includes data on equipment type (claim 4), equipment utilization (claim 5), department equipment is assigned to (claim 6) and facility at which the equipment is located (claim 7). However, Linberg et al teaches that the maintenance of medical equipment must include data collection for remote tracking, diagnosis, maintenance, upgrade, tuning and adjustment of said medical equipment, thus requiring equipment type, utilization, department and facility location data (Col 9, lines 18-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide collected equipment data concerning the type, utilization, department and facility location for equipment to be assessed. Collecting

this data is part of the minimum subset of data required to make decisions about training needs, equipment maintenance and future equipment requirements.

11. Regarding claims 11-14, Callahan discloses all of the limitations of the claims with the exception that the stored operational data is grouped by equipment type (claim 11), equipment location (claim 12), equipment manufacturer (claim 13) or that it includes equipment downtime (claim 14). However, Linberg et al teaches that the maintenance of medical equipment must include data collection for remote tracking, diagnosis, maintenance, upgrade, tuning and adjustment of said medical equipment, thus requiring equipment type, location, manufacturer and downtime information (Col 9, lines 18-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide collected equipment data concerning the equipment type, location, manufacturer and downtime. Collecting this data is part of the minimum subset of data required to make decisions about training needs.

12. Regarding claim 15, Callahan discloses a system of assessing and identifying training needs in a health care facility that includes collecting identification and operation data, storing the data in a central database (Col 2), and reporting the training needs based on analyzed operation data (Col 4, lines 49-67). Callahan does disclose that operational parameters may be developed to solve training need identification for maintenance or janitorial crews (Col 7, lines 39-46). Callahan does not specifically disclose that the operation data is collected by equipment type. However, Linberg et al teaches that operational data for equipment in a medical facility may include information concerning the diagnosis, maintenance, upgrade, performance tuning, and adjustment of medical equipment (Col 9, lines 19-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a method of

assessing and identifying training needs in a health care facility that includes collecting identification and operation data, storing the data in a central database, assessing the data to develop a plurality of operational parameters to identify training needs, including data such as equipment type. Equipment type information is required by manufacturers for the registration of medical equipment with the equipment manufacturer, who can offer discounts on training for registered users.

13. Regarding claims 16-19, Callahan discloses all of the limitations of the claims with the exception that the collected data includes data on equipment type (claim 16), equipment operator errors (claim 17), facility at which the equipment is located (claim 18) and that medical facilities may be geographically diverse (claim 19). However, Linberg et al teaches that the maintenance of medical equipment must include data collection for remote tracking, diagnosis, maintenance, upgrade, tuning and adjustment of said medical equipment, thus requiring equipment type, utilization, department and facility location data for remotely located facilities (Col 9, lines 18-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide collected equipment data concerning the type, operator errors, facility and dispersion of facility location for equipment to be assessed. Collecting this data is part of the minimum subset of data required to make decisions about training needs, equipment maintenance and future equipment requirements.

14. Regarding claim 20, Callahan discloses a user interface to provide access to generated reports (Col 4, lines 21-48).

15. Regarding claim 21, Callahan discloses that a report may be generated at a remote location and sent via email means through a communication network (Col 5, lines 1-18).

16. Regarding claim 22, Callahan discloses that the communication network includes the Internet (Col 2, lines 34-37).

17. Regarding claims 24-27, Callahan discloses all of the limitations of the claims with the exception that the stored operational data is stored by equipment grouping (claim 24), equipment location (claim 25), that groups are located in geographically diverse locations (claim 26) or that stored data includes operational errors (claim 27). However, Linberg et al teaches that the maintenance of medical equipment must include data collection for remote tracking, diagnosis, maintenance, upgrade, tuning and adjustment of said medical equipment, thus requiring equipment type, location, manufacturer and downtime information and includes equipment failures and operational error information (Col 9, lines 18-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide collected equipment data concerning the equipment type, location, geographic dispersion and operational errors. Collecting this data is part of the minimum subset of data required to make decisions about training needs from a central location in the networked system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fields et al (US 6,347,943 B1) for a discussion of identification of training needs as a form of support for networked system.

Hollingsworth (US 6,157,808) for a discussion of training needs analysis and scheduling.

Linton (US 6,496,681 B1) for a discussion of skills assessment and training assignment based upon assessed needs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Sotomayor whose telephone number is 703-305-4558. The examiner can normally be reached on 6:30-4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-308-7768 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4558.

jls
January 9, 2003

Joe H. Cheng
Primary Examiner